



GP2814 DAC



Docket No.: 0039-5461-2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

Re: Group Art Unit: 2814
Serial No.: 08/578,980
RCE Filed: AUGUST 22, 2003
Applicant: TAKANOBU KAMAKURA
For: SEMICONDUCTOR LIGHT EMITTING DEVICE

ATTORNEYS AT LAW

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Attached hereto for filing are the following papers:

PETITION TO WITHDRAW ABANDONMENT
COPY OF FILED RCE, PRELIMINARY AMENDMENT
& DATE-STAMPED FILING RECEIPT
COPY OF THE DECISION MAILED 06/27/03

Our check in the amount of \$- 0 - is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND
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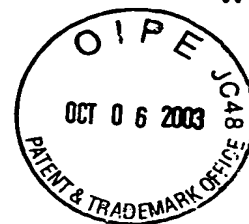
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0039-5461-2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
TAKANOBU KAMAKURA : GROUP ART UNIT: 2814
SERIAL NO: 08/578,980 :
RCE FILED: AUGUST 22, 2003 : EXAMINER: WILLE, D.
FOR: SEMICONDUCTOR LIGHT :
EMITTING DEVICE

PETITION TO WITHDRAW ABANDONMENT

COMMISSIONER FOR PATENTS
Alexandria, Virginia 22313

SIR:

In accordance with the provisions of MPEP §711.03(c)(I) and 37 CFR. §1.181(a)
Applicant hereby petitions to withdraw the erroneous holding of abandonment contained in
the Notice of Abandonment mailed August 6, 2003.

STATEMENT OF FACTS

On April 19, 2002, applicant timely filed an authorized Request for Reconsideration
under 37 CFR §1.197(b) requesting modification of the decision mailed on February 19, 2002,
and noting various improprieties in that decision. The Board of Patent Appeals &
Interferences (Board) mailed a decision on that Request on June 27, 2003, indicating that
they had granted the Request to the extent that they had reconsidered their decision mailed on
February 19, 2002, but denying it with respect to making changes therein.

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OFFICE OF THE SPECIAL
PROGRAMS EXAMINER

Appln. No. 08/578,980

Reply to Notice of Abandonment Mailed 08/06/03

Under 37 CFR §1.304, the time for filing the notice of appeal to an appropriate court as to a Board decision after a timely filed Request for Reconsideration under 37 CFR §1.197(b) is two months from the date of that decision on the Request, which is August 27, 2003, here. Accordingly, the holding of abandonment contained in the Notice of Abandonment mailed August 6, 2003, was inappropriate and should be withdrawn.

In addition, while the instant application was still pending, a Request for Continued Examination (RCE) was filed under 37 CFR §1.114 with a Preliminary Amendment that amended Claim 1, canceled Claims 2-10 and introduced new claims 11-23 with appropriate new arguments pointing out how amended Claim 1 and new Claims 11-23 defined over the art relied upon in the rejection of Claims 1-10.

Enclosed are copies of the Board decision mailed June 27, 2003, the filing receipt for the RCE date-stamped August 22, 2003, and associated papers including a cover letter and the Preliminary Amendment.

POINT FOR REVIEW

The point for review is whether or not the holding of abandonment contained in the Notice of Abandonment mailed August 6, 2003, was inappropriate with regard to a clear violation of the provisions of 37 CFR §1.197(b), 37 CFR §1.304, and 37 CFR §1.114.

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ACTION REQUESTED

In light of the above, it is respectfully requested that the USPTO withdraw the clearly erroneous holding of abandonment contained in the Notice of Abandonment mailed August 6, 2003, and further that the USPTO properly consider and respond to the RCE and associated papers including the Preliminary Amendment filed on August 22, 2003.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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